

District Judge John H. Chun

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MICHAEL N. WHITE, on behalf of  
FRIEDMAN RUBIN PLLP,

Plaintiff,

v.

UNITED STATES OF AMERICA; UNITED  
STATES DEPARTMENT OF THE NAVY,

Defendants.

Case No. 2:23-cv-01499-JHC

JOINT STIPULATED MOTION TO STAY  
AND STATUS REPORT

Noted for Consideration:  
January 8, 2024

**Stipulated Motion to Stay Litigation for 60 Days**

Plaintiff filed the above-captioned lawsuit under the Freedom of Information Act (“FOIA”), 5 USC § 552, in connection with a FOIA request sent to the United States Department of the Navy (“Navy”). Counsel for the parties have conferred and are continuing to confer in good faith in an effort to discuss potential resolution of this action without motion practice or further litigation. In order to provide the parties with additional time to continue these efforts and conserve Court resources, the parties agree and stipulate that there is good cause for a brief stay of this litigation for 60 days.

The parties therefore jointly propose to stay this litigation for 60 days, following which the parties propose to provide a status report to this Court apprising the Court if this matter has resolved,

or potentially proposing a briefing schedule for resolution of this FOIA case.

**Joint Status Report**

In addition, following this Court's scheduling order, Dkt. 6, the parties have met and conferred and previously emailed the Courtroom Deputy to advise that the parties agree that the above-captioned case is a FOIA action brought under 5 USC § 552 and is exempt from the initial disclosure requirements of Rule 26(a) and Rule 26(f) requiring the parties to prepare a discovery plan.

Should this matter not resolve by settlement, the parties anticipate that it would be resolved by dispositive motions practice, consistent with typical FOIA litigation. Consistent with this Court's direction, the parties propose the following deadlines, in the event that this Court does not stay the litigation:

1. NATURE OF CASE:

This is a FOIA case concerning a FOIA request sent to the Navy.

2. PROPOSED DEADLINE FOR JOINING ADDITIONAL PARTIES: April 1, 2024.

3. CONSENT TO MAGISTRATE JUDGE: No.

4. PROPOSED DISCOVERY PLAN: The parties agree that no proposed discovery plan is needed in this FOIA case. Navy notes that "[i]n FOIA cases, the general rule is that discovery is unavailable." *Withey v. FBI*, No. C18-1635-JCC, 2020 WL 885974, at \*1 (W.D. Wash. Feb. 24, 2020). At this time, however, Plaintiff does not agree that this case may not warrant an exception in the future, should this case not settle. But both parties agree that there is no need for Court resolution of this question at this time.

5. PARTIES VIEWS, PROPOSALS AND AGREEMENTS: As set forth above, the

parties jointly propose a short stay to try and resolve this litigation while conserving Court and party resources. In the event that this matter does not settle, the parties anticipate that dispositive motions practice, rather than trial, would resolve this litigation. Therefore, the parties propose to provide a status update at the end of the proposed stay and potentially propose a briefing schedule, should this matter not resolve.

6. DISCOVERY DEADLINE: Not applicable at this time.
7. BIFURCATION: Not applicable at this time.
8. PRETRIAL STATEMENTS AND ORDER: Not applicable at this time.
9. INDIVIDUALIZED TRIAL PROGRAM / ADR: Not applicable at this time.
10. ADDITIONAL SUGGESTIONS: The parties jointly propose a brief stay, as indicated above.
11. DATE CASE READY FOR TRIAL: Not applicable at this time.
12. JURY TRIAL: Not applicable at this time.
13. LENGTH OF TRIAL: Not applicable at this time.
14. COUNSEL CONTACT INFORMATION:

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*Attorney for Defendants*

15. AVAILABILITY OF COUNSEL FOR TRIAL: Plaintiff counsel is unavailable  
from September 5, 2023 to October 1, 2024.

16. STATEMENT REGARDING SERVICE: Plaintiff has properly served Defendants  
in this matter.

17. SCHEDULING CONFERENCE: The parties do not request a scheduling  
conference at this time.

18. FILING OF DISCLOSURE STATEMENTS:

DATED this 8<sup>th</sup> day of January, 2024.

/s Michael N. White

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I certify that this memorandum contains 651  
words, in compliance with the Local Civil Rules.

**ORDER**

The parties having stipulated and agreed, it is hereby so ORDERED.

DATED this 9th day of January, 2024.



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JOHN H. CHUN  
United States District Judge